

JOHN H. MORGAN, JR.
WYOMING PETROLEUM CORP.

IBLA 75-125, 75-128

Decided October 24, 1974

Appeals from decisions of Utah State Office, Bureau of Land Management, rejecting coal prospecting permit applications U 26909-26919.

Affirmed.

1. Coal Leases and Permits: Applications

Decisions rejecting coal prospecting permit applications will be affirmed where the decision was made pursuant to and in accordance with Secretarial Order 2952 of February 13, 1973.

APPEARANCES: John H. Morgan, Jr., pro se; Clarence I. Justheim, President, and J. H. Morgan, Sr., Vice President and Treasurer, Wyoming Petroleum Corp.

OPINION BY ADMINISTRATIVE JUDGE THOMPSON

Appellants severally appealed from decisions of the Utah State Office, Bureau of Land Management, dated August 7, 1974, rejecting their coal prospecting permit applications. 1/ The decisions recited that Secretarial Order 2952 of February 13, 1973, mandated the rejection of the applications.

Appellants recognize the validity of Order 2952. They contend, inter alia, that in view of the changing situation, i.e., the growing

1/ The decision pertaining to Wyoming Petroleum Corp. covered applications U 26911-26919 (inclusive). The decision pertaining to John H. Morgan, Jr. covered applications U 26090 and 26910.

demand for energy resources, the possibility of in situ operations and the elimination of environmental problems in their plans of operation, that consideration should be afforded their present applications.

[1] In Marvin E. Weaster, 10 IBLA 277 (1973); Woods Petroleum Corp., 12 IBLA 247 (1973); and Joan Walstrom, 15 IBLA 401 (1974), the Board held that Order 2952 precludes the issuance of any new coal prospecting permits pending further instructions from the Secretary. The Secretary has not yet issued new instructions or relaxed the mandate of Order 2952 requiring rejection of all prospecting permit applications. Until he does, this Board and all other Departmental officials are required to carry out his directive.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decisions appealed from are affirmed.

Joan B. Thompson
Administrative Judge

We concur:

Martin Ritvo
Administrative Judge

Douglas E. Henriques
Administrative Judge

